

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FRANKLIN COLON : CIVIL ACTION
: :
v. : :
: :
GERALD ROZUM, et al. : NO. 11-3921

ORDER

AND NOW, this 7th day of January 2014, upon consideration of petitioner Colon's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 (docket entry # 1), Colon's amended petition (docket entry # 12), defendants' response, Colon's brief and exhibits, Judge Caracappa's October 31, 2013 Report and Recommendation, and Colon's supplement to his habeas corpus petition and objections to that Report and Recommendation (docket entries ## 23 and 24), and based on the analysis set forth in the accompanying Memorandum, it is hereby ORDERED that:

1. The Report and Recommendation is ADOPTED IN PART and APPROVED IN PART, consistent with the accompanying Memorandum;
2. Petitioner's objections to the Report and Recommendation are OVERRULED IN PART and SUSTAINED IN PART;
3. The petition for a writ of habeas corpus is GRANTED, and the Commonwealth of Pennsylvania shall either RELEASE or RETRY petitioner within 120 days of

entry of this Order; and

4. The Clerk of Court shall CLOSE this case statistically.

BY THE COURT:

/s/ Stewart Dalzell, J.
Stewart Dalzell, J.